

GIBSON, DUNN & CRUTCHER LLP  
 MARK A. PERRY (*pro hac vice*)  
 1050 Connecticut Avenue, N.W.  
 Washington, DC 11101  
 Telephone: 202.955.8500  
 mperry@gibsondunn.com

RIMINI STREET, INC.  
 DANIEL B. WINSLOW (*pro hac vice*)  
 6601 Koll Center Parkway, Suite 300  
 Pleasanton, CA 94566  
 Telephone: 925.264.7736  
 dwinslow@riministreet.com

GIBSON, DUNN & CRUTCHER LLP  
 JEFFREY T. THOMAS (*pro hac vice*)  
 BLAINE H. EVANSON (*pro hac vice*)  
 JOSEPH A. GORMAN (*pro hac vice*)  
 CASEY J. MCCracken (*pro hac vice*)  
 3161 Michelson Drive  
 Irvine, CA 92612-4412  
 Telephone: 949.451.3800  
 jtthomas@gibsondunn.com  
 bevanson@gibsondunn.com  
 jgorman@gibsondunn.com  
 cmccracken@gibsondunn.com

RIMINI STREET, INC.  
 JOHN P. REILLY (*pro hac vice*)  
 3993 Howard Hughes Parkway, Suite 500  
 Las Vegas, NV 89169  
 Telephone: 336.908.6961  
 jreilly@riministreet.com

HOWARD & HOWARD ATTORNEYS PLLC  
 W. WEST ALLEN (Nevada Bar No. 5566)  
 3800 Howard Hughes Parkway, Suite 1000  
 Las Vegas, NV 89169  
 Telephone: 702.667.4843  
 wwa@h2law.com

GIBSON, DUNN & CRUTCHER LLP  
 SAMUEL LIVERSIDGE (*pro hac vice*)  
 ERIC D. VANDEVELDE (*pro hac vice*)  
 333 South Grand Avenue  
 Los Angeles, CA 90071-3197  
 Telephone: 213.229.7000  
 sliversidge@gibsondunn.com  
 evandeveld@ibsondunn.com

*Attorneys for Defendant  
 Rimini Street, Inc.*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ORACLE USA, INC., et al.,

Plaintiffs,

v.

RIMINI STREET, INC., et al.,

Defendants.

CASE NO. 2:10-cv-00106-LRH-VCF

**RIMINI STREET, INC.’S MOTION  
 TO SEAL PORTIONS OF  
 DEFENDANT RIMINI STREET,  
 INC.’S REPLY IN SUPPORT OF  
 MOTION FOR A JURY TRIAL**

**NOTICE OF MOTION AND MOTION**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 10, 2010 (ECF No. 55, “Protective Order”), Rules 5.2(e)–(f) and 26(c) of the Federal Rules of Civil Procedure, and Local Rule 10-5(b), Defendant Rimini Street, Inc. (“Rimini”) respectfully requests that the Court seal portions of Defendant Rimini Street, Inc.’s Reply in Support of Motion for a Jury Trial (“Reply” or “Confidential Materials”).

A public, redacted version of the Reply was filed on August 21, 2020. An unredacted version of this document will be subsequently filed under seal with the Court and linked to the filing of this motion. This Motion to Seal is based on this Notice of Motion and the accompanying Memorandum of Points and Authorities.

**MEMORANDUM OF POINTS AND AUTHORITIES**

Rimini respectfully requests that the Court seal the Confidential Materials because they contain confidential information regarding Rimini’s business processes or information that Oracle has designated as “Confidential Information” or “Highly Confidential Information – Attorneys’ Eyes Only” pursuant to the Protective Order. Good cause exists to seal the Confidential Materials, as set forth below.

This Court has regularly granted motions to file under seal similar information, both in *Rimini I* and *Rimini II*. See, e.g., ECF Nos. 226, 325, 518, 904, 990, 1107, 1228, 1250, 1261; see also *Rimini II*, No. 14-CV-1699-LRH-DJA (D. Nev.), ECF Nos. 127, 137, 222, 280–282, 287, 333–334, 371, 391, 434–436, 602, 625–628, 760–768, 836–849, 1122, 1191.

**I. ARGUMENT**

Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court documents for, *inter alia*, the protection of “a trade secret or other confidential research, development, or commercial information.” Fed. R. Civ. P. 26(c). Rimini has designated as confidential certain documents and information filed in support of the Rimini’s Reply because it contains confidential information about Rimini’s proprietary processes. Rimini also asks the Court to seal information that Oracle has designated as

1 “Confidential Information” or “Highly Confidential Information – Attorneys’ Eyes Only”  
 2 pursuant to the Protective Order.

3 **A. Highly Confidential Information About Rimini’s Proprietary Processes**

4 Rimini moves to seal proprietary information regarding the ways in which Rimini  
 5 provides services to its clients and runs its business operations. This information is reflected in  
 6 portions of the Confidential Materials.

7 Portions of the Reply contain a description of Rimini’s proprietary technical processes.  
 8 In particular, the Reply contains a link to a video presentation prepared by Rimini’s VP of  
 9 Global Support for PeopleSoft, Jim Benge, concerning Rimini’s Process 2.0, which contains,  
 10 detailed information about Rimini’s proprietary technical tools and processes and descriptions  
 11 of how Rimini provides services to its clients. This video presentation was previously filed  
 12 under seal (ECF No. 1393) and should remain sealed for the reasons stated when it was  
 13 originally filed (ECF No. 1394).

14 Under the Protective Order, “all non-public information” regarding “business plans” or  
 15 “proprietary technical information and specifications” are properly designated confidential, and  
 16 “extremely sensitive . . . non-public information” including trade secrets are properly  
 17 designated as highly confidential. Disclosure of this information would advantage Rimini’s  
 18 competitors, disclosing trade secrets that would allow Rimini’s competitors to adopt methods  
 19 that have made Rimini successful, and more easily allow them to compete in the third-party  
 20 software service marketplace. *See Hologram USA, Inc. v. Pulse Evolution Corp.*, No. 14-CV-  
 21 772, 2015 WL 105793, at \*2 (D. Nev. Jan. 7, 2015) (granting motion to seal where documents  
 22 “contain[ed] information that could injure Plaintiffs’ competitive posture in the ... industry”);  
 23 *Spectrum Pharm. Inc. v. Sandoz Inc.*, No. 12-CV-111, 2014 WL 4202540, at \*2 (D. Nev.  
 24 Aug. 21, 2014) (granting motion to seal where documents contained “proprietary, business  
 25 practice, trade secret, and technical information that could injure the parties’ competitive  
 26 posture”); *Clark v. Metro. Life Ins. Co.*, No. 08-CV-158, 2010 WL 1006823, at \*1 (D. Nev.  
 27 Mar. 16, 2010) (granting motion to seal materials that would “bring attention to MetLife’s  
 28 confidential internal business deliberations, organization, and capabilities”).

This Court has previously granted motions to file under seal portions of documents containing this type of confidential information regarding Rimini's internal business processes. *See, e.g.*, ECF Nos. 226, 325, 518, 904, 990, 1107, 1228, 1250, 1261; *see also Rimini II*, No. 14-CV-1699-LRH-DJA, ECF Nos. 627, 1240. Sealing references to Rimini's proprietary information will not frustrate the public's visibility into the judicial process because Rimini requests the targeted sealing of particularly sensitive information and leaves all other documents unsealed.

#### **B. Information Designated Highly Confidential Pursuant to the Protective Order**

The Protective Order provides that:

Counsel for any Designating Party may designate any Discovery Material as "Confidential Information" or "Highly Confidential Information – Attorneys' Eyes Only" under the terms of this Protective Order only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as "Confidential Information" or "Highly Confidential Information – Attorneys' Eyes Only" shall constitute a representation that any attorney for the Designating Party reasonably believes there is a valid basis for such designation.

Protective Order ¶ 2.

Rimini requests that the Court seal portions of the Confidential Materials that describe or otherwise reveal information that Oracle has designated "Highly Confidential" under the terms of the Protective Order. By designating the information "Highly Confidential," the designating party has represented that the information cited is subject to protection under Federal Rule of Civil Procedure 26(c). Protective Order ¶ 2. This Court has regularly granted motions to file under seal similar information, both in *Rimini I* and *Rimini II*. *See, e.g.*, ECF Nos. 226, 325, 518, 904, 990, 1107, 1228, 1250, 1261; *see also Rimini II*, No. 14-CV-1699-LRH-DJA (D. Nev.), ECF Nos. 280, 391, 460, 518, 541, and 549.

## **II. CONCLUSION**

For the foregoing reasons, Rimini respectfully requests that the Court grant leave to file under seal the Confidential Materials.

1 Dated: August 21, 2020

2 GIBSON, DUNN & CRUTCHER LLP

3  
4 By: /s/ Eric D. Vandeveld  
5 Eric D. Vandeveld

6 *Attorneys for Defendant*  
7 *Rimini Street, Inc.*  
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